

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

THOMAS HURLBURT,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Acting Commissioner of the
Social Security Administration,

Defendant.

DECISION AND ORDER
16-CV-38-A

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On November 1, 2017, Magistrate Judge Scott filed a Report and Recommendation (Dkt. No. 28), recommending that Plaintiff Hurlburt's motion for judgment on the pleadings (Dkt. No. 13) be granted and the matter remanded to the Acting Commissioner for further proceedings. Magistrate Judge Scott further recommended that the Acting Commissioner's motion for judgment on the pleadings (Dkt. No. 23) be denied.

The Court has carefully reviewed the Report and Recommendation and the record in this case, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, Plaintiff Hurlburt's motion for judgment on the pleadings is granted and the matter is remanded to the Acting Commissioner for further proceedings consistent with the Report and

Recommendation, and the Acting Commissioner's motion for judgment on the pleadings is denied. The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 16, 2018